

Form 3015-1 - Chapter 13 Plan

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA THIRD DIVISION

In re:
JANICE L OESTREICH

MODIFIED
CHAPTER 13 PLAN

Dated: November 18, 2015

DEBTOR

Case No. 15-32418

*In a joint case,
debtor means debtors in this plan.*

1. DEBTOR'S PAYMENTS TO THE TRUSTEE —

- As of the date of this plan, the debtor has paid the trustee \$ 0.00.
- After the date of this plan, the debtor will pay the trustee \$ 375.00 per month for 60 months beginning July 2015 for a total of \$ 22,500.00. The minimum plan payment length is X 36 or 60 months from the date of the initial plan payment unless all allowed claims are paid in a shorter time.
- The debtor will also pay the trustee
- The debtor will pay the trustee a total of \$ 22,500.00 [line 1(a) + line 1(b) + line 1(c)].

2. PAYMENTS BY TRUSTEE — The trustee will pay from available funds only creditors for which proof of claim have been filed. The trustee may collect a fee of up to 10% of plan payments, or \$ 2,250.00, [line 1(d) x .10].

3. ADEQUATE PROTECTION PAYMENTS [§ 1326(a)(1)(C)] — The trustee will promptly pay from available funds adequate protection payments to creditors holding allowed claims secured by personal property, according to the following schedule, beginning in month one (1).

	Creditor	Monthly Payment	Number of Months	Total Payments
a.	Affinity Plus Federal Credit Union	\$ <u>48.00</u>	<u>3</u>	\$ <u>144.00</u>
b.	TOTAL			\$ <u>144.00</u>

4. EXECUTORY CONTRACTS AND UNEXPIRED LEASES [§ 365] — The debtor assumes the following executory contracts or unexpired leases. Cure provisions, if any, are set forth in ¶ 7.

Creditor	Description of Property
<u>-NONE-</u>	

5. CLAIMS NOT IN DEFAULT — Payments on the following claims are current and the debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any.

Creditor	Description of Property
a. <u>Affinity Plus Federal Credit Union</u>	<u>Homestead</u>

6. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5) and § 1322(e)] — The trustee will cure defaults on the following claims secured only by a security interest in real property that is the debtor's principal residence. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens. All following entries are estimates. The trustee will pay the actual amounts of default.

Creditor	Amount of Default	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. <u>Caliber Home Loans</u>	\$ <u>367.00</u>	\$ <u>20.00</u>	<u>19</u>	<u>19</u>	\$ <u>367.00</u>
b. TOTAL					\$ <u>367.00</u>

7. CLAIMS IN DEFAULT [§ 1322 (b)(3) and (5) and § 1322(e)] — The trustee will cure defaults on the following claims as set forth below. The debtor will pay for the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any. All following entries are estimates, except for interest rate.

Creditor	Amount of Default	Int. rate (if applicable)	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. <u>-NONE-</u>	\$ <u> </u>	\$ <u> </u>				\$ <u> </u>
TOTAL						\$ <u>0.00</u>

8. **OTHER SECURED CLAIMS; SECURED CLAIM AMOUNT IN PLAN CONTROLS** [§ 1325(a)(5)] — The trustee will pay, on account of the following allowed secured claims, the amount set forth in the "Total Payments" column, below. The creditors will retain liens securing the allowed claims until the earlier of the payment of the underlying debt determined under nonbankruptcy law, or the date of the debtor's discharge. NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. § 1327, AND CONFIRMATION OF THE PLAN IS A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM.

Creditor	Claim Amount	Secured Claim	Int. Rate	Beg. in Mo. #	(Monthly Pmnts)	(No. of Pmnts)	=	Pmnts on Account of Claim	+	(Adq. Prot. from ¶ 3)	=	TOTAL PAYMENTS
a. Minn Dept of Revenue	\$ 3,546.00	\$ 3,546.00	10	4	\$ 100.00	43	\$	4,221.00	\$	0.00	\$	4,221.00
b. Affinity Plus Federal Credit Union - VISA	\$ 7,105.00	\$ 289.00	4	4	\$ 20.00	15	\$	297.00	\$	0.00	\$	297.00
c. Affinity Plus Federal Credit Union - L9	\$ 4,836.00	\$ 4,836.00	4	4	\$ 150.00	35	\$	5,125.00	\$	144.00	\$	5,269.00
d. TOTAL											\$	9,787.00

9. **PRIORITY CLAIMS** — The trustee will pay in full all claims entitled to priority under § 507, including the following. The amounts listed are estimates. The trustee will pay the amounts actually allowed.

Creditor	Estimated Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. Attorney Fees	\$ 3,000.00	\$ 289.00 / 67.00	1 / 4	3 / 32	\$ 3,000.00
b. Internal Revenue Service	\$ 6,165.00	pro rata			\$ 6,165.00
c. Minn Dept of Revenue	\$ 526.00	pro rata			\$ 526.00
d. TOTAL					\$ 9,691.00

10. **SEPARATE CLASSES OF UNSECURED CREDITORS** — In addition to the class of unsecured creditors specified in ¶ 11, there shall be separate classes of non-priority unsecured creditors described as follows: -NONE-. The trustee will pay the allowed claims of the following creditors. All entries below are estimates.

Creditor	Interest Rate (if any)	Claim Amount	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. -NONE-						\$ 0.00
a. TOTAL						\$ 0.00

11. **TIMELY FILED UNSECURED CREDITORS** — The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 6, 7, 8, 9 and 10 their pro rata share of approximately \$ 405.00 [line 1(d) minus lines 2, 6(a), 7(a), 8(a), 9(j) and 10(a)].

- The debtor estimates that the total unsecured claims held by creditors listed in ¶ 8 are \$ 6,816.00.
- The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 8 and ¶ 10) are \$ 8,204.00.
- Total estimated unsecured claims are \$ 15,020.00 [line 11(a) + line 11(b)].

12. **TARDILY-FILED UNSECURED CREDITORS** — All money paid by the debtor to the trustee under ¶ 1, but not distributed by the trustee under ¶ 2, 3, 6, 7, 8, 9, 10 or 11 will be paid to holders of nonpriority unsecured claims for which proofs of claim were tardily filed.

13. **OTHER PROVISIONS** — The trustee may distribute additional sums not expressly provided for herein at the trustee's discretion.

The debtor shall surrender the timeshare to Telemark Interval Owners Association in full satisfaction of the secured claim. The creditor may amend its proof of claim for any deficiency balance. Any amount not paid shall be discharged upon the debtor receiving a discharge in this case.

The Debtors shall send the Trustee each year during the Chapter 13 Plan copies of their federal and state income tax returns at the time they are filed. The Debtors shall also promptly report to the Trustee the receipt of any state and federal tax refunds for the duration of this Chapter 13 case and shall be entitled to retain the first \$1,200 plus any earned income credit (EIC). Any remaining amounts shall be turned over to the Chapter 13 Trustee as additional plan payments.

14. SUMMARY OF PAYMENTS —

Trustee's Fee [Line 2]	\$	2,250.00
Home Mortgage Defaults [Line 6(a)]	\$	367.00
Claims in Default [Line 7(a)]	\$	0.00
Other Secured Claims [Line 8(b)]	\$	9,787.00
Priority Claims [Line 9(j)]	\$	9,691.00
Separate Classes [Line 10(a)]	\$	0.00
Unsecured Creditors [Line 11]	\$	405.00
TOTAL [must equal Line 1(d)]	\$	22,500.00

Insert Name, Address, Telephone and License Number of Debtor's Attorney:

Robert J. Hoglund 210997
Hoglund, Chwialkowski & Mrozik P.L.L.C
1781 West County Road B
PO Box 130938
Roseville, MN 55113
(651) 628-9929
210997

Signed /s/ JANICE L OESTREICH
JANICE L OESTREICH
DEBTOR

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Bkry Case No: 15-32418

Janice A. Oestreich,

Chapter 13

Debtor(s).

NOTICE OF FILING MODIFIED CHAPTER 13 PLAN PRIOR TO CONFIRMATION

TO: ALL PARTIES IN INTEREST

PLEASE TAKE NOTICE that the debtor(s), pursuant to Local Rule 3015-2(a) have filed the attached modified Chapter 13 Plan. The Hearing on Confirmation of the Modified Plan is scheduled for January 14, 2016 at 10:00 a.m. in United States Bankruptcy Court, Courtroom 2C, Second Floor, 316 North Robert Street, St Paul, Minnesota.

Any objection to this Modified Plan must be served by delivery not later than 24 hours prior to the time and date set for the confirmation hearing or mailed not later than three days prior to the date set for the confirmation hearing.

Dated: December 3, 2015

HOGLUND, CHWIALKOWSKI & MROZIK, PLLC

Signed: /e/ Robert J. Hoglund

Robert J. Hoglund #210997

Keith Chwialkowski #210134

Marie F. Martin #287040

Jeffrey J. Bursell #293362

Kristen M. Whelchel #339866

Attorney for Debtor(s)

1781 West County Road B

P.O. Box 130938

Roseville, Minnesota 55113

Telephone Number: (651) 628-9929

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:
Janice A. Oestreich,

Bkry Case No: 15-32418
Chapter 13

**UNSWORN CERTIFICATE
OF SERVICE**

Debtor(s).

I, Melissa S. Matthews, employed by Hoglund, Chwialkowski & Mrozik, PLLC, attorneys licensed to practice law in this Court, with office address of 1781 West County Road B, Roseville, Minnesota 55113, declare that on December 3, 2015, I served the Modified Chapter 13 Plan and Notice of Filing Modified Plan Prior to Confirmation to each of the entities named below by first class mail postage prepaid and to any entities who are Filing Users, by automatic e-mail notification pursuant to the Electronic Case Filing System:

Janice A. Oestreich
1982 Cricket Circle
Mora, MN 55051

And to all creditors/parties in interest listed on matrix (see attached)

I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: December 3, 2015

Signed: /s/ Melissa S. Matthews
Paralegal

ACS
PO BOX 371821
PITTSBURGH PA 15250-7821

AFFINITY PLUS FEDERAL CREDIT UNION
PO BOX 660493
DALLAS TX 75266-0493

AFFINITY PLUS FEDERAL CREDIT UNION VISA
PO BOX 660493
DALLAS TX 75266-0493

BAUER & HOHLEN PA
237 SW 2ND AVE STE 240
CAMBRIDGE MN 55008

CALIBER HOME LOANS
PO BOX 619063
DALLAS TX 75261-9063

CAMBRIDGE MEDICAL CENTER
701 S DELLWOOD
CAMBRIDGE MN 55008

FEDERATED COOP
502 S 2ND ST
PRINCETON MN 55371

FIRSTLIGHT HEALTH SYSTEM
301 HWY 65 SOUTH
MORA MN 55051

HSN
PO BOX 182118
COLUMBUS OH 43218-2118

INTERNAL REVENUE SERVICE
PO BOX 7346
PHILADELPHIA PA 19101-7346

INTERNAL REVENUE SERVICE
30 E 7TH ST STE 1222
MAIL STOP 5700
SAINT PAUL MN 55101

KOHL'S
PO BOX 2983
MILWAUKEE WI 53201

MN DEPT OF REVENUE
551 BKCY SECTION CEU DEPT
PO BOX 64447
SAINT PAUL MN 55164

MONSON'S RAPID ROLL-OFF SERVICE
1472 210TH AVE
OGILVIE MN 56358

RELIANCE RECOVERIES
PO BOX 29227
MINNEAPOLIS MN 55429-0227

RELIANCE RECOVERIES
6160 SUMMIT DR STE 420
BROOKLYN CENTER MN 55430-2149

SPIRE FEDERAL CREDIT UNION
PO BOX 131450
ROSEVILLE MN 55113-0013

TELEMARK INTERVAL OWNERS ASSOCIATION
PO BOX 609
CABLE WI 54821

UNITY HOSPITAL
PO BOX 9125
MINNEAPOLIS MN 55480-9125

Klatt, Augustine, Sayer, Treinen & Rastede
Caliber Home Loans
229 Jackson Street Suite 133
Anoka, MN 55303

Caliber Home loans
13801 Wireless Way
Oklahoma City, OK 73134-2500

Affinity Plus Federal Credit Union
Attn Bankruptcy Department
175 W Lafayette Frontage Road
Saint Paul, MN 55107-1400

Affinity Plus Federal Credit Union
Attn Tei Paasonen
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237 SW 2ND AVE STE 240
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Capital One NA
c/o Becket and Lee LLP
POB 3001
Malvern, PA 19355-0701

FIRSTLIGHT HEALTH SYSTEM
MARY TRAMM
301 HWY 65 SOUTH
MORA MN 55051

Goal Structured Solutions TR 2015-1 on behalf
Educational Credit Management Corp
c/o Educational Credit Management Corp
PO Box 16408
St Paul, MN 55116-0408

Internal Revenue Service
Centralized Insolvency Operations
PO box 7346
Philadelphia, PA 19101-7346

Quantum3 Group LLC as agent for
Comenity Capital Bank
PO Box 788
Kirkland, WA 98083-0788

Spire Federal Credit Union
2025 Larpenteur Ave West
Falcon Heights, MN 55113-5512

DISTRICT OF MINNESOTA

In re:

Bankruptcy Case Number: 15-32418

Janice L. Oestreich,

SIGNATURE DECLARATION

Debtor(s).

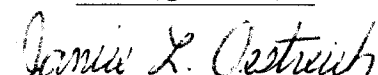
☐ PETITION, SCHEDULES & STATEMENTS☐ CHAPTER 13 PLAN☐ SCHEDULES & STATEMENTS ACCOMPANYING VERIFIED CONVERSION☒ AMENDMENT TO PETITION, SCHEDULES & STATEMENTS☒ MODIFIED CHAPTER 13 PLAN/MOTION FOR HEARING☐ OTHER: (Please describe)

☒ **VERIFICATION:** I (we), Janice L. Oestreich, debtor(s) named in the attached amended schedules and modified Chapter 13 Plan, declare under penalty of perjury that the foregoing is true and correct.

I (We) Janice L. Oestreich, the undersigned debtor(s) or authorized individual, *hereby declare under penalty of perjury* that the information I have given my attorney and provided in the electronically filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct. I consent to my attorney electronically filing my petition, a scanned image of this declaration, statements, and schedules, amendments, and/or chapter 13 plan, as indicated above, with the United States Bankruptcy Court. I understand that a scanned image of this declaration is to be converted to PDF, and either inserted as the last page in the electronic submission or electronically submitted within five days after the above-named document have been electronically submitted.

☐ (If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7) I am aware that I may proceed under Chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

☐ (If petitioner is a corporation or partnership) I declare under penalty of perjury that the information provided in the petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor. The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

Date: 11-25-2015

Signature of Debtor or Authorized Individual

Signature of Joint DebtorJanice L. Oestreich

Printed Name of Debtor or Authorized Individual

Printed Name of Joint Debtor

HOGLUND, CHWIALKOWSKI & MROZIK, P.L.L.C.

Signed: /s/ Robert J. Hoglund

Robert J. Hoglund #210997

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